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OF THE COURTS

COMMONWEALTH OF KENTUCKY
ETHICS COMMITTEE OF THE KENTUCKY JUDICIARY

403 WAPPING STREET
FRANKFORT, KENTUCKY 40601

ANTHONY M. WILHOIT
Court of Appeals

JOSEPH H. ECKERT
Circuit Court

B.M. WESTBERRY, CHAIRMAN
Attorney

THOMAS J. KNOPP
District Court

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Attorney

JUDICIAL ETHICS OPINION JE-31

Informal

QUESTION: . May a judge serve on a church committee whose purpose is to
oversee the solicitation of funds for the restoration of a church
organ?

ANSWER: No.

REFERENCE: SCR 4.300, Canon 5B.

OPINION: Canon 5B provides in part:

. . . A judge may serve as an officer, director, trustee, or non-legal
advisor of an educational, religious, charitable, fraternal, or civic
organization . . . subject to the following limitations:

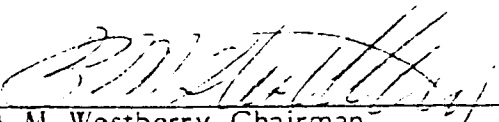
. . .

(2) A judge should not solicit funds for any educational, religious,
charitable, fraternal, or civic organization, or use or permit the use of
the prestige of his office for that purpose, but he may be listed as an
officer, director, or trustee of such an organization. . . .

It is obvious that a judge may belong to and be an officer in various
religious and similar organizations, including those which engage in fund raising.
But in allowing such participation, we think that Canon 5 contemplates only those
organizations which serve other functions in addition to fund raising; that is, those
whose fund raising function is but one aspect of their total activities. We think
that Canon 5 organizations do not include those whose sole function is the
solicitation of funds, no matter how laudable the object of the fund raising may be.

The steering committee involved here appears to be an ad hoc
committee which is being organized solely to solicit contributions for a single
purpose, and which will be disbanded when the goal is reached. It serves no
function other than the solicitation of funds. Even if the committee members will
be directing the project rather than actively soliciting funds, we believe that it is
impossible to distinguish between the two phases of the project. In the public view,
the committee members will be engaged in fund raising.

For these reasons, we hold that membership on the committee would
run afoul of Canon 5B(2). It is therefore forbidden.


B. M. Westberry, Chairman
Ethics Committee of the Kentucky
Judiciary